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June 13, 2022

***VIA ELECTRONIC CASE FILING***

Hon. Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 1007

Application Granted

Valerie Figueredo, U.S.M.J.

DATED: 6-15-2022

The settlement conference is hereby rescheduled for Tuesday, August 9, 2022 at 2 p.m. Pre-conference submissions must be received by the Court no later than August 2, 2022.

Re: **All-Ways Forwarding v. M/V EVER LIBERAL, et al.**  
**SDNY Case: 21-cv-11071 (VSB)**

Dear Judge Broderick:

We represent Defendant Evergreen Marine Corp. (Taiwan) Ltd., (“Evergreen”) in the above referenced action. We write to respectfully request that this Court adjourn the settlement conference scheduled for June 22, 2022 and reset to a date no further than 45 days from the originally scheduled settlement conference. We have conferred with Plaintiff’s counsel and they concur with our requested adjournment.

**Request to Adjourn for Cause**

Plaintiff All-Ways Forwarding, Inc. (“Plaintiff”) filed its Complaint in this action for the alleged loss overboard of a shipping container, Container No. EGHU9228611, onboard the M/V EVER LIBERAL on or about December 30, 2020, during a voyage across the Pacific Ocean. Plaintiff is a non-vessel operating common carrier whose customer was Century Sourcing, Inc. Plaintiff’s claim is one for indemnity that is already the subject of a lawsuit filed by cargo underwriters Navigator’s Management, Inc., in the Southern District of New York, case no. 21-

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cv-11134 (VSB) (the “Related Case”). The Related Case includes a subrogated claim for the cargo in Container No. EGHU9228611, which is the subject of this lawsuit. The claim relating to Container EGHU9228611 is in the amount of \$17,991.03 although Plaintiff’s Complaint in this action alleges damages of \$65,000.

Evergreen is actively discussing settlement in the Related Case, has made a settlement proposal to Navigator’s Management, Inc.’s lawyer in the Related Case and is awaiting a response to a settlement proposal that, if accepted, will result in the release of Plaintiff from liability for the loss of Container No. EGHU9228611 in this action and dismissal of this action.

Based on the foregoing, for the sake of judicial economy and because an adjournment will permit discovery and the exchange of information that would make a conference more fruitful, Evergreen respectfully applies and requests that the scheduled settlement conference presently set for June 22, 2022, at 2:00 p.m. be adjourned for less than 45 days pursuant to Magistrate Valerie Figueredo’s Standing Order Applicable to Settlement Conferences, Rule 9.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'ZJF', is written over the typed name 'Zachary J. Farley'.

Zachary J. Farley

ZJF